

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DARREN WHITNEY,

Petitioner,

v.

A. HEDGPETH, Warden,

Respondent.

Civil No. 07cv1592 LAB (PCL)

ORDER:

- (1) GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS;
(2) DISMISSING PETITION WITHOUT
PREJUDICE**

Petitioner, a state prisoner proceeding pro se, has submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

MOTION TO PROCEED IN FORMA PAUPERIS

Petitioner has \$0.00 on account at the California correctional institution in which he is presently confined. Petitioner cannot afford the \$5.00 filing fee. Thus, the Court **GRANTS** Petitioner's application to proceed in forma pauperis, and allows Petitioner to prosecute the above-referenced action as a poor person without being required to prepay fees or costs and without being required to post security. **The Clerk of the Court shall file the Petition for Writ of Habeas Corpus without prepayment of the filing fee.**

FAILURE TO USE PROPER FORM

A Petition for Writ of Habeas Corpus must be submitted in accordance with the Local Rules of the United States District Court for the Southern District of California. See Rule 2(c), 28 U.S.C. foll. § 2254. Presently, Petitioner has submitted an application for writ of habeas

1 corpus on a non-approved form. While courts should liberally interpret pro se pleadings with
2 leniency and understanding, this should not place on the reviewing court the entire onus of
3 ferreting out grounds for relief. Cf. Burkey v. Deeds, 824 F. Supp. 190, 193 (D. Nev. 1993)
4 (finding that courts do not have entire onus of creating federal claim for petitioner). This Court
5 would have to engage in a tenuous analysis in order to attempt to identify and make sense of the
6 Petition and its numerous attachments. In order to comply with the Local Rules, the petition
7 must be submitted upon a court-approved form and in accordance with the instructions approved
8 by the Court.

9 **CONCLUSION**

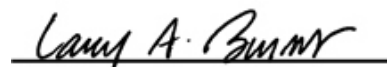
10 In light of the above, the Court:

- 11 (1) **GRANTS** Petitioner's Motion to Proceed In Forma Pauperis;
12 (2) **DISMISSES** the Petition without prejudice for failure to use the proper
13 form.

14 To have this case reopened, Petitioner must, **no later than November 5, 2007**, file a First
15 Amended Petition that cures the pleading deficiencies set forth above, along with a copy of this
16 Order. **The Clerk of the Court is directed to send Petitioner a blank First Amended**
17 **Petition form along with this Order.**

18
19 **IT IS SO ORDERED.**

20
21 DATED: September 5, 2007

22 

23 **HONORABLE LARRY ALAN BURNS**
24 **United States District Judge**